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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,362	01/16/2002	Edward C. Mauro	83411PCW	5679

7590

12/28/2004

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EXAMINER

GAGLIOSTRO, KEVIN M

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/050,362	Applicant(s) MAURO, EDWARD C.	
	Examiner Kevin M. Gagliostro	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/16/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/16/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/16/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,804,684 to Stubler et al.

Stubler clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Stubler describes a method for capturing metadata in a captured scene that comprises the following three elements:

- (a) Determining attributes in the scene, which may be used for deriving metadata about the scene. Specifically, Stubler describes this as initially acquiring images (figure 2, item 100) and then metadata is extracted (figure 2, item 110) from certain features (attributes) in or related to the image, thus about the scene (column 6, lines 8-12).
- (b) After image capture of the scene, reading the metadata of the captured scene from a digital representation of the captured scene. Specifically, Stubler describes extracting metadata (figure 2, item 110) from certain features (attributes) from images that are acquired (figure 2, item 100) from a digital source (which, in fact consists of a digital representation of the image or captured scene) (column 6, lines 8-12).
- (c) Uniquely processing the digital representation based on the discerned metadata. Specifically, Stubler describes this "unique processing" as placing the metadata into it's own (predefined) discernable categories (column 6, lines 31-36).

Stubler clearly shows all of the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Stubler describes the method as in claim 1, wherein step (c) includes providing the user either a URL address, time/date or a discount advertisement or providing a processor of the digital representation camera a time and/or date indication. Specifically, Stubler includes providing the user with time/date, as it is data that represents objective attributes (column 6, lines 18-20).

Stubler clearly shows all of the limitations cited in claim 3. See all material cited in the specification. Referring to claim 3, Stubler describes the method as in claim 1, wherein step (b) includes discerning facial characteristics in the scene or

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predetermined landmarks. Specifically, Stubler describes region metadata that includes detecting regional features such as face, skin, etc. (hence, facial characteristics) (column 6, lines 55-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro

12/20/2004


NGOC YEN VU
PRIMARY EXAMINER